

7A Am. Jur. 2d Automobiles § 25

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Automobiles and Highway Traffic

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I. In General

C. Regulation, in General

3. Validity of Regulations

§ 25. Validity of regulations, generally

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West's Key Number Digest

West's Key Number Digest, [Automobiles](#) 5(1), 5(5), 7

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Validity, construction, and effect of statutes or ordinances forbidding automotive “cruising”—practice of driving repeatedly through loop of public roads through city, 87 A.L.R.4th 1110

Statute prohibiting reckless driving: Definiteness and certainty, 52 A.L.R.4th 1161

Indefiniteness of automobile speed regulations as affecting validity, 6 A.L.R.3d 1326

The fixed rule and basic standard by which the validity of all exercises of the police power is tested is that the police power of the state extends only to such measures as are reasonable and that all police regulations must be reasonable under all the circumstances.¹ Statutes and ordinances regulating vehicles and their use on the public highways and streets must be reasonable.² Moreover, the regulation must be reasonably related to a proper legislative goal.³ A red light camera ordinance that reduces the dangerousness of intersections by targeting vehicles that violate traffic regulations is rationally and substantially related to the health, safety, peace, comfort, and general welfare of the public and is a valid exercise of a city's police power.⁴

Whether such a statute or ordinance is reasonable is to be determined in view of the general conditions existing at the time the question arises,⁵ and neither exact precision nor scientific calculation is essential to render regulations of highway traffic

reasonable.⁶ Such regulations may be reasonable notwithstanding that they operate harshly against particular persons,⁷ and, generally speaking, the burden of showing that they are unreasonable is on those who deny their validity.⁸

A town law that prohibited travel of trucks weighing in excess of five tons during nighttime hours on a road to a quarry and asphalt plant, and that specifically prohibited local deliveries from 10:00 p.m. to 6:00 a.m., was a valid exercise of the town's police power pursuant to a statute codifying a municipalities' general power to enact reasonable ordinances to control weight and size of vehicles on streets and to set limits on local deliveries, and thus the town law was constitutional absent a demonstration beyond reasonable doubt that it had no substantial relationship to public health, safety, or general welfare.⁹

Provisions of a state uniform traffic control law limiting the power of a municipality to legislate over traffic matters are to be strictly construed to effectuate their purpose, and any attempt by a local government to circumvent the provisions either by ordinance or contract is invalid unless expressly authorized by the legislature.¹⁰

Observation:

Traffic ordinances are presumed to be valid.¹¹

Statutes and ordinances regulating vehicles and their use on the public highways and streets must also be definite in specifying the conduct which is condemned or prohibited, to the end that the persons concerned may know how to comply with the requirements of the statutes.¹² Thus, a parish's automated traffic signal enforcement (ATSE) ordinance, allowing for citation of owners of vehicles which entered an "intersection" on a red light, is not unconstitutionally vague in violation of due process, where the ordinance prohibited a vehicle from entering an area bounded by the lateral lines of intersecting roads when faced with a steady red light.¹³

In determining the validity of local traffic regulations, it is necessary to balance the effect of the ordinance in promoting health, safety and welfare of the community against the hardships and difficulties it causes to individuals; an evidentiary hearing may be required.¹⁴ In making such determinations, the courts will take judicial notice of matters of common knowledge.¹⁵

CUMULATIVE SUPPLEMENT

Cases:

City ordinance establishing automated traffic enforcement (ATE) system that involved use of mounted cameras and radar equipment designed to detect drivers traveling in excess of speed limits at designated locations within city limits, which authorized private contractor that operated ATE system to access National Law Enforcement Telecommunications System database (Nlets) to identify record owners of vehicles whose license plates images were captured by ATE system as having violated speed limit or having run through red light, for purposes of determining whether traffic citation would, did not involve unlawful delegation of city authority, despite vehicle owners' claim that Nlets was created for benefit of law enforcement, where

contractor's use of Nlets database did not involve exercise of judgment. *Behm v. City of Cedar Rapids*, 922 N.W.2d 524 (Iowa 2019).

[END OF SUPPLEMENT]

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Footnotes

- 1 Am. Jur. 2d, Constitutional Law § 370.
- 2 *People v. Blackorby*, 146 Ill. 2d 307, 166 Ill. Dec. 902, 586 N.E.2d 1231 (1992); *State v. Folda*, 267 Mont. 523, 885 P.2d 426 (1994); *Board of Trustees of Inc. Village of Mineola v. Incorporated Village of East Williston*, 232 A.D.2d 443, 648 N.Y.S.2d 170 (2d Dep't 1996).
- 3 *People v. Elkins*, 12 Cal. App. 4th Supp. 1, 16 Cal. Rptr. 2d 504 (App. Dep't Super. Ct. 1992); *Levine v. Police Com'n of Town of Fairfield*, 28 Conn. App. 344, 612 A.2d 787 (1992); *People v. Strawn*, 210 Ill. App. 3d 783, 155 Ill. Dec. 269, 569 N.E.2d 269 (4th Dist. 1991).
- 4 *Edwards v. City of Ellisville*, 426 S.W.3d 644 (Mo. Ct. App. E.D. 2013); *Krieger v. City of Rochester*, 42 Misc. 3d 753, 978 N.Y.S.2d 588 (Sup 2013).
- 5 *Snyder v. Campbell*, 145 Miss. 287, 110 So. 678, 49 A.L.R. 1402 (1926); *City of Seattle v. Larkin*, 10 Wash. App. 205, 516 P.2d 1083 (Div. 1 1973).
- 6 *South Carolina State Highway Department v. Barnwell Bros.*, 303 U.S. 177, 58 S. Ct. 510, 82 L. Ed. 734 (1938); *State v. Moore*, 259 Ga. 139, 376 S.E.2d 877 (1989).
- 7 *Department of Transp. v. Georgia Min. Ass'n*, 252 Ga. 128, 311 S.E.2d 443 (1984); *Des Moines Metropolitan Area Solid Waste Agency v. City of Grimes*, 495 N.W.2d 746 (Iowa 1993).
- 8 *Department of Transp. v. Georgia Min. Ass'n*, 252 Ga. 128, 311 S.E.2d 443 (1984); *Springfield Park Dist. v. Buckley*, 140 Ill. App. 3d 524, 94 Ill. Dec. 824, 488 N.E.2d 1071 (4th Dist. 1986); *Brandmiller v. Arreola*, 199 Wis. 2d 528, 544 N.W.2d 894 (1996).
- 9 *Tilcon New York, Inc. v. Town of Poughkeepsie*, 125 A.D.3d 782, 5 N.Y.S.3d 102 (2d Dep't 2015).
- 10 *City of Hollywood v. Arem*, 154 So. 3d 359 (Fla. 4th DCA 2014), review denied, 168 So. 3d 224 (Fla. 2015) and all writ jurisdiction dismissed, 171 So. 3d 114 (Fla. 2015).
- 11 *Wenco Management Co. v. Town of Carrboro*, 53 N.C. App. 480, 281 S.E.2d 74 (1981); *City of Cincinnati v. Welty*, 64 Ohio St. 2d 28, 18 Ohio Op. 3d 211, 413 N.E.2d 1177 (1980).
- 12 *City of Wichita v. Basgall*, 257 Kan. 631, 894 P.2d 876, 10 A.D.D. 887 (1995); *State v. Dillon*, 670 So. 2d 278 (La. Ct. App. 3d Cir. 1996).
A city ordinance prohibiting the use of a vehicle "as living quarters either overnight, day-by-day, or otherwise" was void for vagueness, in violation of the Due Process Clause, despite the city's contention that its enforcement goals were motivated by legitimate health and safety concerns, where the ordinance did not define "living quarters," or specify how long, or when, was "otherwise," ordinance was broad enough to cover any driver in city who ate food or transported personal belongings in his or her vehicle, and members of city police department interpreted the ordinance in different ways. *Desertrain v. City of Los Angeles*, 754 F.3d 1147, 88 Fed. R. Serv. 3d 1444 (9th Cir. 2014) (applying California law).
- 13 *Morales v. Parish of Jefferson*, 140 So. 3d 375 (La. Ct. App. 5th Cir. 2014), writ denied, 151 So. 3d 582 (La. 2014) and writ denied, 151 So. 3d 582 (La. 2014) and writ denied, 151 So. 3d 583 (La. 2014).
- 14 *White Plains Automotive Supply Co., Inc. v. City of Peekskill*, 98 A.D.2d 776, 469 N.Y.S.2d 487 (2d Dep't 1983).
- 15 *City of Chicago v. Rhine*, 363 Ill. 619, 2 N.E.2d 905, 105 A.L.R. 1045 (1936) (congestion of street traffic in certain districts).